

City Council Agenda

Council President
Mike Dages

Councilmembers

Tom Boyajian
Brian Calhoun
Jerry Duncan

Henry T. Perea
Cynthia Sterling
Larry Westerlund

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

City Attorney
Hilda Cantú Montoy

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

October 11, 2005

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. p.m. and re-played beginning at 8:30 p.m.

8:30 A.M. ROLL CALL

Invocation by His Holiness Aram I, Catholicos of the Great House of Cilicia in Antelias, Lebanon

1. Presentation of the Key to the City to His Holiness Aram I – Mayor Autry and Councilmember Boyajian

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Proclamation of "MULTI-CULTURAL UNITY MONTH" - Councilmember Sterling

Proclamation of "UNIVERSAL ACCESS TO PRESCHOOL FOR ALL CHILDREN DAY"

Commendation to the City Clerk's Office For Receiving The Californians Aware Plaque – Councilmember Boyajian

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

October 11, 2005

***SUBJECT TO MAYOR'S VETO OR RECONSIDERATION**

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AND MAY BE AMENDED AT ANYTIME

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of October 4, 2005

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **GENERAL CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

- A. * **RESOLUTION** - 21st amendment to AAR No. 2005-286 appropriating \$1,196,300 in the fiscal year 2006 budget for the Urban Area Security Initiative (UASI) Grant **(Requires 5 affirmative votes)** – Police Dept.
Action Taken:
- B. * Award a contract to Davis Moreno Construction, Inc. for the construction of a building foundation for the Federal Inspection Station at Fresno Yosemite International Airport – Airports Dept.
Action Taken:
- C. Approve the exchange of land with Grove Partners, LLC, for development of Fire Station No. 16 near Clinton and Cornelia Avenues – Public Works Dept.
Action Taken:
- D. * Approve the acquisition of a street easement and use of a construction easement at 1221 W. Clinton Avenue from property owned by Farmers Lumber and Supply Co. Money Purchase Pension Plan – Public Works Dept.
Action Taken:
- E. * Award a contract to Kelly C. Broyles Construction of Fresno for installation of a 12" water main in N. Cedar Avenue from E. Bulldog Lane north to E. Barstow Avenue – Public Works Dept.
Action Taken:
- F. * Approve amendment to agreement with Rabe Engineering, Inc., to provide professional engineering services for the Fresno/Sierra traffic signal modification and widening project at Fresno Street and Sierra Avenue – Public Works Dept.
Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- G. * Approve an amendment to agreement with Boyle Engineering, Inc., to provide professional engineering services for the Clovis Avenue project from Kings Canyon Avenue to McKinley Avenue – Public Works Dept.
Action Taken:
- H. * **BILL NO. B-115– (Intro. 10/4/2005) (For adoption)** - Repealing Section 8-1217 to the Fresno Municipal Code relating to the sunset provision of the Mobilehome Park Rent Review and Stabilization ordinance – City Council
Action Taken:
- I. **RESOLUTION** - Establishing a Fresno City Parks Commission – City Council
Action Taken:
- J. * Approve an agreement with 2H Engineering for the design of the fire alarms at the Fresno Convention Center Complex – Public Works Dept.
Action Taken:

2. **GENERAL ADMINISTRATION**

- A. **BILL – (For introduction)** - Amending the Fresno Municipal Code relating to the display of products containing pseudoephedrine and or ephedrine – Police Department
Action Taken:
- B. Approve responses to the 2004-2005 Grand Jury Report – City Manager's Office
Action Taken:

3. **CITY COUNCIL**

- A. Update from City Manager on the status of August 16th agenda item directing staff to appropriate a minimum of \$500,000 in additional resources for city landscape replacement and maintenance. - Councilmember Calhoun
Action Taken:
- B. Consider direction on proposed interim ordinance relating to zoning for slaughtering and sales of retail poultry and rabbits – Councilmember Perea
Action Taken:
- C. Request an update from City Manager on the status of implementing a marketing plan for Roeding Business Park. Update should include an estimate from Public Works on additional infrastructure investment required by the City at the site – Councilmember Calhoun
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

- 9:00 A.M. A. **SCHEDULED COMMUNICATION**
- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 9:15 A.M.** Appearance by Joe Rothermel, Regional Sales Manager, ABM Commercial, regarding Council action of October 4, 2005 approving the 9th amendment to the Position Authorization Resolution (PAR) No. 2005-287 adding three positions that will be used by the Parks, Recreation & Community Services Department (PRCS) to establish night parks maintenance/custodial crews in City parks – Councilmember Duncan
Action Taken:
- 10:00 A.M.** **CONTINUED HEARING** to consider designation of the W.D. Coates Home, located at 264 N. Van Ness Avenue and Black's Package Company (Gottschalk's Service Center), located at 755 Van Ness Avenue to the Local Register of Historic Resources - Planning and Development Dept.
Action Taken:
- a. * **RESOLUTION** – Designating the W.D. Coates Home, located at 264 North Van Ness Avenue, to the Local Register of Historic Resources
Action Taken:
 - b. * **RESOLUTION** – Designating Black's Package Company Building, located at 755 Van Ness Avenue, to the Local Register of Historic Resources
Action Taken:
- 10:15 A.M.** **HEARING** to consider Rezone Application No. R-05-23 and environmental findings, filed by Tejinder Randhawa, pertaining to 2.42 acres of property located on the east side of N. Maple Avenue between E. Copper and E. International Avenues (***Property located in District 6***) – Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-05-23/C-05-95/TPM-2005-08, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential-Agricultural/Urban Growth Management*) zone district to the R-1-B/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:
- 10:20 A.M.** **HEARING** to consider Rezone Application No. R-05-33 and environmental findings, filed by Provost and Pritchard, Inc., on behalf of RZR Enterprises, pertaining to approximately 31.87 acres of property located on the southwest corner of E. Church and S. Peach Avenues (***Property located in District 5***) - Planning and Development Dept.
Action Taken:
- a. Consider and adopt Environmental Assessment No. R-05-33/T-5436/C-05-110, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
Action Taken:
 - b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-5/UGM (*Exclusive Five Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. **HEARING** to consider Rezone Application No. R-04-108 and environmental findings, filed by R.J. Hill Homes, pertaining to approximately 34.8 acre of property located on the west side of S. Temperance between E. Hamilton and E. California Avenue alignment ***(Property located in District 5)*** – Planning and Development Dept.

Action Taken:

- a. Consider and adopt Environmental Assessment No. R-04-108/T-5464/C-04-325, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken:

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the AE-20/UGM (*Exclusive Twenty Acre Agricultural/Urban Growth Management*) zone district to the R-1/UGM (*Single Family Residential/Urban Growth Management*) zone district

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION

Government Code Section 54956.9, subdivision (a)

1. **Case Name:** Bobbie Duane Hunsaker v. City of Fresno, Victor Manuel Montijo
2. **Case Name:** Operating Engineers, Local Union No. 3, Fresno Airport Public Safety Supervisor Unit (FAPSSA) v. City of Fresno and Operating Engineers, Local Union No. 3, Fresno Airport Police and Firefighters Association (FAPOFA) v. City of Fresno
3. **Case Name:** Joan Dalgety and Jacob R. Smith v. City of Fresno; Donna Hoffman
4. **Case Name:** Americans for Safe Access and William McPike v. City of Fresno
5. **Case Name:** City of Fresno v. Kathleen A. Schwandt

Action Taken:

B. PUBLIC EMPLOYEE PERFORMANCE EVALUATION – Government Code Section 54957 -

Title: City Clerk

Action Taken:

2:00 A.M. #3 **CLOSED SESSION ANNOUNCEMENTS (IF ANY)**

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

3:00 P.M.

JOINT MEETING WITH THE REDEVELOPMENT AGENCY

Approve Agency minutes of October 4, 2005

Action Taken:

- A. Consider matters regarding proposed 2005 amendments to the Convention Center Redevelopment Plan:
1. **RESOLUTION** - Adopting findings in response to written objections to proposed amendments to the Convention Center Redevelopment Plan **(Council and Agency action)**
Action Taken:
 2. * **BILL** - That does the following: **(Council action)**
 - A. Adopts the Environmental Finding of Conformity/Master Environmental Impact Report (MEIR) No. 10130 prepared for the 2025 Fresno General Plan for Environmental Assessment No. RDA 2005-1
 - B. Finds that the Convention Center Redevelopment Plan, as proposed to be amended, is consistent with the Fresno General Plan including, but not limited to, the Housing Element of the General Plan; and
 - C. Amends the Convention Center Redevelopment Plan
Action Taken:
- B. Provide direction to Agency to: **(Council and Agency action)**
1. Review result of request for qualifications from developers to develop residential/commercial mixed use project on approximately fifteen (15) acres in southwest Fresno
 2. Proceed with negotiations of Disposition and Development Agreement with the recommended developer
 3. Return to the City Council / Agency with all related documents for review and approval
Action Taken:
- C. **RESOLUTION** - Making Findings of Conformity pertaining to the election of the Project Area Committee for the Existing Chinatown Expanded Redevelopment Project and confirming the elected members of the Project Area Committee in connection with amendments to the redevelopment plan **(Council Action)**
Action Taken:
- D. Consider matters regarding traffic light improvements located in the Southeast Fresno Revitalization Redevelopment Project Area
1. **RESOLUTION** - Making certain findings pursuant to Section 33445 of the Community Redevelopment Law and authorizing the installation of public improvements **(Council and Agency)**
Action Taken:
 2. To award a contract to A-C Electric Company of Fresno for traffic signal improvements at the intersection of Jensen and Peach Avenues **(Agency Action)**
Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 4:00 P.M. HEARING** to consider an appeal of the Planning Commission's action approving Conditional Use Permit Application No. C-03-265 and environmental findings, filed by Gurbachan Singh, pertaining to approximately 0.5 acre of property zoned C-1 (*Neighborhood Shopping Center*) located on the northeast corner of W. Clinton and N. Fruit Avenues (***Property located in District 1***) – Planning and Development Dept.
- Action Taken:**
- a. Consider Environmental Assessment No. C-03-265, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan
- Action Taken:**
- b. **RESOLUTION** – Denying Approval of the Conditional Use Permit Application (***Staff Recommendation***)
- Action Taken:**
- c. **RESOLUTION** – Approving Conditional Use Permit Application (***Planning Commission Recommendation***)
- Action Taken:**
- 4:30 P.M. HEARING** to consider an appeal of the Planning Commission's action approving Vesting Tentative Tract Map No. 5424 and environmental findings, filed by Dunmore Homes on behalf of Wilmer James Case and George and Susan Chambers, pertaining to approximately 39.48 acres of property located on the north side of E. Clinton Avenue between N. Armstrong and N. Temperance Avenues Planning and Development Dept. (***Property located in District 4***) – Planning and Development Dept.
- Action Taken:**
- a. Consider the Mitigated Negative Declaration for Environmental Assessment No. A-04-28/R-04-89/T-5424
- Action Taken:**
- b. **RESOLUTION** – Approving the Vesting Tentative Tract Map No. 5424
- Action Taken:**

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Oct. | 18 - | NO MEETING - COUNCIL BREAK |
| Oct. | 25 - | 8:30 A.M. Presentation of P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer) |
| Oct. | 25 - | 10:00 A.M. HEARING re: vacation of a portion of Harvey east of Clovis (R.I. No. 1045-D) |
| Oct. | 25 - | 10:15 A.M. HEARING re: Resolution of intention to annex Final Tract No. 5285 to the City of Fresno Community Facilities District No. 2, Annexation No. 106 |
| Oct. | 25 - | 10:20 A.M. Continued deliberations to consider Rezone Application No. R-04-104 and environmental findings, filed by Clifford Tutelian on behalf of Park Place Holdings |
| Oct. | 25 - | 10:30 A.M. TEFRA HEARING re: the refinancing of a 240-unit multifamily rental housing development commonly known as Village at Ninth Apartments |
| Oct. | 25 - | 10:45 A.M. TEFRA HEARING re: the refinancing of a 204-unit multifamily rental housing development commonly known as Village at Shaw Apartments |
| Oct. | 25 - | 11:00 A.M. Strategies and recommendation to curb the use of illegal fireworks – Police and Fire Depts. |
| Oct. | 25 - | 4:00 P.M. HEARING - 2005 Cycle II Trimester Plan Amendments |
| Nov. | 8 - | MEETING CANCELED – SPECIAL ELECTION DAY |
| Nov. | 9 – (Wed) | 3:00 P.M. Presentation of Employee Service Awards in the Council Chambers with a reception immediately following – 2 nd floor foyer) |
| Nov. | 15 - | 10:00 A.M. HEARING re: vacation of a portion of E. Ashcroft Avenue @ N. Sharon Avenue |
| Nov. | 15 - | 10:05 A.M. HEARING to consider the vacation of a water main easement located south of Herndon between Forkner and West - R.I. No. 1047-D |
| Nov. | 15 - | 10:30 A.M. Quarterly report on the progress of the West Fresno Workgroup on implementing the recommendations of the West Fresno Community Vision Plan – Councilmember Sterling |
| Nov. | 22 - | NO MEETING - THANKSGIVING WEEK |
| Dec. | 20 - | NO MEETING - CHRISTMAS WEEK |
| Dec. | 27 - | NO MEETING - NEW YEARS WEEK |

(Future workshops – dates to be determined)

WORKSHOP – Follow-up discussion regarding Caltrans discussion held 12/7/2004